

Eric D. Houser (SBN 130079)  
J. Owen Campbell (SBN 229976)  
HOUSER & ALLISON  
A Professional Corporation  
9970 Research Drive  
Irvine, California 92618  
Telephone: (949) 679-1111  
Facsimile: (949) 679-1112  
ocampbell@houser-law.com

Attorneys for Defendant,  
BARCLAYS CAPITAL REAL ESTATE, INC.  
dba HOMEQ SERVICING,  
erroneously sued herein as HOMEQ SERVICING INC.

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

JOHN ALLEN,  
Plaintiff,  
v.  
HOMEQ SERVICING INC.,  
Defendants.

**Case No.: 3:08-cv-03798 MMC  
NOTICE OF RESCHEDULED  
HEARING ON PLAINTIFF'S  
MOTION TO DISMISS PORTIONS  
OF SECOND AMENDED  
COMPLAINT**

**Hearing Date: October 10, 2008  
Hearing Time: 9:00 a.m.  
Place: Courtroom 7, 19<sup>th</sup> Floor  
450 Golden Gate Avenue  
San Francisco, CA 94102**

**TO PLAINTIFFS AND THEIR COUNSEL OF RECORD HEREIN:**

PLEASE TAKE NOTICE that pursuant to the "Related Case Order" issued  
in this case dated August 21, 2008, the original hearing date for Defendant's  
Motion to Dismiss was vacated and ordered to be rescheduled before the  
Honorable Maxine M. Chesney. Therefore, PLEASE TAKE NOTICE that on

**NOTICE OF RESCHEDULED MOTION TO DISMISS**

1 October 10, 2008 at 9:00 a.m. or as soon thereafter as the matter may be heard in  
2 Courtroom 7, 19<sup>th</sup> Floor of the above-entitled court located at 450 Golden Gate  
3 Avenue, San Francisco, California 94102, Defendant BARCLAYS CAPITAL  
4 REAL ESTATE, INC. dba HOMEQ SERVICING, erroneously sued herein as  
5 HOMEQ SERVICING INC. ("Homeq"), will and hereby does move the Court to  
6 dismiss portions of Plaintiff's Second Amended Complaint with prejudice.  
7  
8

9 The motion is brought pursuant to Federal Rule of Civil Procedure 12(b)(6)  
10 for failure to state a claim for relief against Defendant. The motion will be based  
11 upon this notice of motion, the previously filed memorandum of points and  
12 authorities, all pleadings and documents filed herein, and any argument that may  
13 be presented or any matters of which judicial notice is requested or proper.  
14  
15  
16

17 DATED: August 26, 2008

HOUSER & ALLISON  
A Professional Corporation

18  
19  
20 By: /s/ J. Owen Campbell

Eric D. Houser

J. Owen Campbell

Attorneys for Defendant

21 BARCLAYS CAPITAL REAL ESTATE, INC.  
22 dba HOMEQ SERVICING, erroneously sued  
23 herein as HOMEQ SERVICING INC.  
24  
25  
26  
27  
28

**PROOF OF SERVICE**

I am employed in the County of Orange, State of California. I am over the age of eighteen and not a party to the within action. My business address is 9970 Research Drive, Irvine, California 92618.

On August 26, 2008, I served the following document described as:

**NOTICE OF RESCHEDULED HEARING ON PLAINTIFF'S MOTION TO DISMISS PORTIONS OF SECOND AMENDED COMPLAINT**

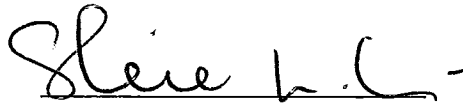
On the following interested parties in this action:

Shawn Ridgell  
RIDGELL & LAWLOR LLP  
2128 Broadway  
Oakland, CA 94612  
(510) 986-1300  
*Attorneys for Plaintiff*

**[X]** VIA MAIL -- By placing a true copy thereof enclosed in a sealed envelope(s) addressed as above, and placing each for collection and mailing on the date following ordinary business practices. I am readily familiar with my firm's business practice and collection and processing of mail with the United States Postal Service and correspondence placed for collection and mailing would be deposited with the United States Postal Service at Irvine, California, with postage thereon fully prepaid that same day in the ordinary course of business.

I declare under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct.

Executed on August 26, 2008, at Irvine, California.

  
Sherie L. Cleeré